

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 46 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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KANUBHAI B SISODIA

Versus

CITY SURVEY OFFICER

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Appearance:

MR RN SHAH for Petitioners

SERVED for Respondent No. 1, 2, 3

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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/08/96

ORAL JUDGEMENT

1. The say of the petitioners in this Special Civil Application under Article 226 of the constitution of India is that they are carrying on small business of pan-shop, tyre repairing, carpenter work etc by putting pucca cabins in village Dehgam on Ahmedabad - Modasa road. It is also stated that the cabins are at a distance of 200 ft. away from the main road and as such, there is no encroachment. They are also paying rent to the City Survey Officers and therefore, they cannot be removed without following the procedure provided under the law.

2. Learned A.G.P. has controverted the statement with regard to the payment of rent. It is stated that the petitioners have paid the penalty as imposed under the provisions of the Bombay Land Revenue Code.

3. Be that as it may. The petitioners have continued in possession on account of the interim order of this Court which was passed more than 10 years back.

4. Considering the facts of the case, ends of justice would meet if this Special Civil Application is disposed of with the direction that, if the respondents intend to dispossess the petitioners, they will follow the procedure provided under the law. It would also be open for the petitioners to make prayer before the concerned Authorities for regularisation of possession, which may be considered sympathetically in accordance with the law.

5. With the aforesaid observation, this Special Civil Application is disposed of. Rule discharged. Interim relief vacated.

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